

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

In The Matter Of:

CORNELL-DUBILIER  
ELECTRONICS, INC. SUPERFUND SITE

CORNELL-DUBILIER ELECTRONICS, INC.,  
D.S.C. OF NEWARK ENTERPRISES, INC.,  
and NORPAK CORPORATION

Respondents.

Proceeding Under Section 106(a) of the  
Comprehensive Environmental Response,  
Compensation, and Liability Act of 1980,  
as amended (42 U.S.C. § 9606(a)).

U.S. EPA Region 2  
CERCLA Docket No.02-2006-2015

ADMINISTRATIVE ORDER FOR REMEDIAL ACTION  
OPERABLE UNIT 2 - BUILDING DEMOLITION



## I. INTRODUCTION AND JURISDICTION

1. This Order directs Respondents to perform one element of the remedy described in the Record of Decision for the Cornell-Dubilier Electronics, Inc. Superfund Site, Operable Unit 2, dated September 30, 2004. This Order is issued to Respondents by the United States Environmental Protection Agency ("EPA") under the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9606(a). This authority was delegated to the Administrator of EPA on January 23, 1987, by Executive Order 12580 (52 Fed. Reg. 2926, January 29, 1987), was further delegated to EPA Regional Administrators on September 13, 1987 by EPA Delegation No. 14-14-B, and was further delegated to the Director of the Region 2 Emergency and Remedial Response Division on November 23, 2004 by EPA Region 2 Regional Order R-1200 (Delegation No. 14-14-B).

## II. FINDINGS OF FACT

2. The Cornell-Dubilier Electronics, Inc. Superfund Site ("Site") consists of a former manufacturing facility of approximately 26 acres located at 333 Hamilton Boulevard, South Plainfield, Middlesex County, New Jersey and the areal extent of the contamination from the facility, including contaminated residential, commercial and municipal properties located in the vicinity of the facility, and contaminated groundwater and sediments of the Bound Brook.

3. a. Respondent Cornell-Dubilier Electronics, Inc. ("CDE") was, from approximately 1936 until June 1962, the operator of the facility, and from July 1956 until June 1961, the owner and operator of the facility.

b. Respondent D.S.C. of Newark Enterprises, Inc. ("DSC") is now, and has been since at least November 1976, the owner and operator of the facility.

c. Respondent Norpak Company ("Norpak"), owned by the same individuals as DSC, is also a current operator of the facility and has participated in operating the facility, along with DSC, since at least 1995.

4. Respondent CDE manufactured capacitors using polychlorinated biphenyls ("PCBs") at the facility. During the time that CDE owned and/or operated the facility, hazardous substances, including PCBs, were disposed of at the Site.

5. The Respondents identified in Paragraph 3 are collectively referred to as "Respondents."

6. From June 1994 through July 1996, EPA collected and analyzed soil, surface water and sediments at the former CDE facility. The results of the sample analyses revealed that elevated levels of PCBs, volatile organic compounds ("VOCs"), and inorganic chemicals were present at the Site.

OU3, which will address the contaminated Site groundwater and associated soil vapor; and OU4, which will address the contaminated sediments of the Bound Brook.

12. In 1997, EPA's removal program collected a total of 27 wipe samples from 12 of the 18 buildings at the former CDE facility, and building material samples (dust and concrete chips) from two buildings, and analyzed the samples for PCBs, lead and cadmium. Aroclor-1254, Aroclor-1260, lead and cadmium were identified in all 12 buildings sampled.

13. Dust samples collected from the 18 facility buildings in the summer of 2000, as part of the RI, revealed PCBs in all 18 buildings, and elevated PCB concentrations (i.e., greater than 500 ppm) were present in three buildings. Concentrations of Aroclor-1254 as high as 8,300 ppm and lead as high as 61,700 ppm were measured in the dust samples. PCBs have been identified by EPA as a probable human carcinogen. Other non-cancer health effects, such as changes in the normal functions of organs within the body (e.g., changes in the effectiveness of the immune system), are also associated with PCB exposure based on animal studies.

14. Elevated metals concentrations were also found in all 18 buildings. For example, arsenic, cadmium, chromium, and mercury were measured in each of the buildings at a maximum concentration of 100 ppm, 428 ppm, 894 ppm, and 24.4 ppm, respectively. A discernible, consistent concentration pattern was not generally present for the detected metals.

15. As part of the soil investigation, borings were drilled through the concrete slabs in each of the buildings and soil samples were collected from beneath the slab. The intent of this effort was to delineate potential shallow and upper subsurface soil contamination beneath the northwestern portion of the property. The results of this sampling revealed that soils beneath the buildings are contaminated with various contaminants, including in some cases PCBs greater than 500 ppm.

16. EPA has also performed a baseline human health risk assessment ("BHHRA") for OU2 to evaluate the potential current and future adverse human health effects of releases of hazardous substances in the absence of any actions or controls to mitigate such releases. Cancer risks and non-cancer hazard indices were calculated based on an estimate of the reasonable maximum exposure expected to occur under current and future conditions. The BHHRA performed for OU2 evaluated the health effects that could result from exposure to contaminated media through ingestion, dermal contact, or inhalation. The results of the risk assessment indicated that cancer risk associated with exposure at OU2 exceeds EPA's acceptable risk range, including the risk to current and future outdoor site workers, current and future trespassers, from the contaminated soils and building dust. The non-cancer hazard index for the indoor site worker was determined to be 150, which exceeds EPA's goal of 1.

17. The RI/FS for OU2 was completed in May 2004. Pursuant to Section 117 of CERCLA, 42 U.S.C. § 9617, EPA published a notice of the completion of the proposed plan for the OU2 remedial action on July 6 and 9, 2004, in major local newspapers of general circulation. EPA provided an opportunity for written and oral comments from the public on the proposed plan for

h. implementation of institutional controls.

21. EPA has determined that the OU2 remedy should be implemented in phases, beginning with the building demolition. The selected remedy for buildings will address the release or threatened release of hazardous substances. The demolition of the buildings and off-site disposal of the resulting debris will protect human and environmental receptors from contact with contaminants contained in the buildings. The contaminated building debris will be disposed of off-site at secure, permitted waste disposal facilities that will reliably protect against further releases to the environment of hazardous substances in the debris. Demolition of the buildings will also allow for excavation and off-site disposal of contaminated soil as required by the selected remedy for contaminated soils at OU2.

22. EPA is preparing the remedial design for the selected remedy. The remedial design for the building demolition is scheduled for completion in August, 2006.

### III. CONCLUSIONS OF LAW AND DETERMINATIONS

23. The CDE Site is a "facility" as defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

24. Each Respondent is a "person" as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

25. Each Respondent is a "liable party" as defined in Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), and is subject to this Order under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

26. PCBs, lead, arsenic, cadmium, chromium and mercury, are found at OU2 of the Site, including in the buildings, and are "hazardous substances" as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

27. Exposure to the hazardous substances detected at OU2 of the Site, including in the buildings, by direct contact, inhalation, or ingestion may cause a variety of adverse human health effects.

28. There have been and continue to be releases and/or threats of releases, within the meaning of Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), of hazardous substances into the environment at and from the Site, including at or from the contaminated buildings that are part of OU2.

29. The potential for future migration of hazardous substances from OU2 of the Site, including the contaminated buildings, poses a threat of a "release" as defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

30. Based on the Findings of Fact and Conclusions of Law and Determinations set forth above

successor departments or agencies of the State.

e. "National Contingency Plan" or "NCP" shall mean the National Oil and Hazardous Substances Pollution Contingency Plan promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, codified at 40 C.F.R. Part 300, and any amendments thereto.

f. "Operable Unit 2" or "OU2" shall mean the remedial activities to address contaminated soils and buildings at the former CDE facility located at 333 Hamilton Boulevard, South Plainfield, New Jersey.

g. "Paragraph" shall mean a portion of this Order identified by an arabic numeral or an upper case letter.

h. "Performance Standards" shall mean the cleanup standards and other measures of achievement of the goals of the Remedial Action, set forth on pages 22 through 24 of the ROD and Section II of the Statement of Work.

i. "RCRA" shall mean the Solid Waste Disposal Act, as amended, 42 U.S.C. § 6901, *et seq.*, also known as the Resource Conservation and Recovery Act.

j. "Record of Decision" or "ROD" shall mean the EPA Record of Decision relating to OU2 of the Site signed on September 30, 2004, by the Regional Administrator, EPA Region 2, and all attachments thereto. The ROD is attached as Appendix I.

k. "Remedial Action" or "RA" shall mean those activities to be undertaken by Respondents to implement the SOW and Remedial Design prepared by EPA for the building component of the remedy selected in EPA's September 30, 2004 ROD for OU2, and any Remedial Action Work Plans and other plans approved by EPA, including any additional activities required under Sections X, XI, XII, XIII, and XIV of this Order.

l. "Remedial Action Work Plan" shall mean the document developed pursuant to Paragraph 43 of this Order and approved by EPA, and any amendments thereto.

m. "Remedial Design" or "RD" shall mean the final plans and specifications prepared by EPA for the Remedial Action. When completed by EPA and delivered to Respondents, the Remedial Design shall be deemed incorporated into and made a part of this Order.

n. "Respondents" shall mean CDE, DSC and Norpak.

o. "Section" shall mean a portion of this Order identified by a roman numeral.

p. "Site" shall mean the CDE Site, encompassing a former manufacturing facility of approximately 26 acres located at 333 Hamilton Boulevard, South Plainfield, Middlesex County,

37. Respondents shall provide a copy of this Order to any prospective owners or successors before a controlling interest in a Respondent's assets, property rights, or stock are transferred to the prospective owner or successor. Respondents shall provide a copy of this Order to each contractor, sub-contractor, laboratory, or consultant retained to perform any Work under this Order, within five days after the effective date of this Order or on the date such services are retained, whichever date occurs later. Respondents shall also provide a copy of this Order to each person representing any Respondent with respect to the Site or the Work and shall condition all contracts and subcontracts entered into hereunder upon performance of the Work in conformity with the terms of this Order. With regard to the activities undertaken pursuant to this Order, each contractor and subcontractor shall be deemed to be related by contract to the Respondents within the meaning of Section 107(b)(3) of CERCLA, 42 U.S.C. § 9607(b)(3). Notwithstanding the terms of any contract, Respondents are responsible for compliance with this Order and for ensuring that their contractors, subcontractors and agents comply with this Order, and perform any Work in accordance with this Order.

#### IX. WORK TO BE PERFORMED

38. Respondents shall give EPA 14 days advance notice of all field activities to be performed pursuant to this Order. Respondents shall cooperate with EPA in providing information regarding the Work to the public. As requested by EPA, Respondents shall participate in the preparation of such information for distribution to the public and in public meetings which may be held or sponsored by EPA to explain activities at or relating to the Site.

39. All aspects of the Work to be performed by Respondents pursuant to this Order shall be under the direction and supervision of a qualified supervising contractor, the selection of which shall be subject to approval by EPA. Within 21 days after the effective date of this Order, Respondents shall notify EPA in writing of the name and qualifications of the supervising contractor, including primary support entities and staff, proposed to be used in carrying out work under this Order. With respect to any proposed supervising contractor, Respondents shall demonstrate that the proposed supervising contractor has a quality system that complies with ANSI/ASQC E4-1994, "Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs," (American National Standard, January 5, 1995), by submitting a copy of the proposed supervising contractor's Quality Management Plan ("QMP"). The QMP should be prepared in accordance with the specifications set forth in "EPA Requirements for Quality Management Plans (QA/R-2)," (EPA/240/B-01/002, March 2001) or equivalent documentation as determined by EPA. If at any time Respondents propose to use a different supervising contractor, Respondents shall notify EPA and shall obtain approval from EPA before the new supervising contractor performs any work under this Order.

40. EPA will review Respondents' selection of a supervising contractor according to the terms of this paragraph and Section XIV of this Order. If EPA disapproves of the selection of the supervising contractor, Respondents shall submit to EPA within 30 days after receipt of EPA's disapproval of the supervising contractor previously selected, a list of supervising contractors,

46. The Work performed by Respondents pursuant to this Order shall, at a minimum, achieve the Performance Standards specified in the Record of Decision and in Section II of the Statement of Work.

47. Notwithstanding any action by EPA, Respondents remain fully responsible for achievement of the Performance Standards in the Record of Decision and Statement of Work. Nothing in this Order, or in EPA's approval of the Statement of Work, or in the Remedial Design or Remedial Action Work Plans, or approval of any other submission, shall be deemed to constitute a warranty or representation of any kind by EPA that full performance of the Remedial Design or Remedial Action will achieve the Performance Standards set forth in the ROD and in Section II of the Statement of Work. Respondents' compliance with such approved documents does not foreclose EPA from seeking additional work to achieve the applicable performance standards.

48. At least 14 days prior to completion of the Remedial Action, Respondents shall so notify EPA and shall schedule and conduct a pre-final inspection to be attended by Respondents and EPA. If, after completion of the pre-final inspection, EPA determines that the Remedial Action or any portion thereof has not been completed in accordance with this Order, EPA shall notify Respondents in writing of the activities that must be undertaken to complete the Remedial Action and shall set forth in the notice a schedule for performance of such activities. Respondents shall perform all activities described in the notice in accordance with the specifications and schedules established therein. At least 14 days after the completion of the corrective measures, Respondents shall so notify EPA and shall schedule and conduct an inspection as provided above in this paragraph. Said inspection will be followed by further directions and/or notifications by EPA as provided above in this paragraph. If EPA concludes, following the initial or any subsequent certification of completion by Respondents that the Remedial Action has been fully performed in accordance with this Order, EPA may notify Respondents that the Remedial Action has been fully performed. EPA's notification shall be based on present knowledge and Respondents' certification to EPA, and shall not limit EPA's right to perform periodic reviews pursuant to Section 121(c) of CERCLA, 42 U.S.C. § 9621(c), or to take or require any action that in the judgment of EPA is appropriate at the Site, in accordance with Sections 104, 106 or 107 of CERCLA, 42 U.S.C. §§ 9604, 9606, or 9607.

49. Within 120 days after EPA's determination that all phases of the Work have been fully performed and that the Performance Standards have been attained, Respondents shall submit to EPA a Draft Remedial Action Report including a statement by a registered professional engineer certifying that the Work has been completed in full satisfaction of the requirements of this Order. EPA shall require such additional activities as may be necessary to complete the Work or EPA may, based upon present knowledge and Respondents' certification to EPA, issue written notification to Respondents that the Work has been completed, as appropriate, in accordance with the procedures set forth in Paragraph 99 for Respondents' certification of completion of the Remedial Action. EPA's notification shall not limit EPA's right to perform periodic reviews pursuant to Section 121(c) of CERCLA, 42 U.S.C. § 9621(c), or to take or require any action that in the judgment of EPA is appropriate at the Site, in accordance with Sections 104, 106 and 107 of CERCLA, 42 U.S.C. §§ 9604, 9606, or 9607.

### XIII. ENDANGERMENT AND EMERGENCY RESPONSE

55. In the event of any action or occurrence during the performance of the Work which causes or threatens to cause a release of a hazardous substance or which may present an immediate threat to public health or welfare or the environment, Respondents shall immediately take all appropriate action to prevent, abate, or minimize the threat, and shall immediately notify EPA's RPM. If the RPM is not available, Respondents shall notify the EPA Regional Emergency 24-hour telephone number at (732) 548-8730. Respondents shall take such action in consultation with EPA's RPM and in accordance with all applicable provisions of this Order, including but not limited to the Health, Safety and Contingency Plan and any other documents developed pursuant to the SOW. If Respondents fail to respond as required in this paragraph, EPA may respond to the release or endangerment and reserves the right to pursue cost recovery for all costs of response not inconsistent with the NCP. Within 20 days of the onset of such an event, Respondents shall furnish EPA with a written report setting forth the events which occurred and the measures taken, and to be taken, in response thereto.

56. Nothing in the preceding paragraph shall be deemed to limit any authority of the United States to take, direct, or order all appropriate action to protect human health and the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances on, at, or from the Site.

### XIV. EPA REVIEW OF SUBMISSIONS

57. After review of any deliverable, plan, report or other item which is required to be submitted for review and approval pursuant to this Order, EPA may: (a) approve the submission; (b) approve the submission with modifications; (c) disapprove the submission and direct Respondents to re-submit the document after incorporating EPA's comments; or (d) disapprove the submission and assume responsibility for performing all or any part of the response action. As used in this Order, the terms "approval by EPA," "EPA approval," or a similar term means the action described in subparagraph (a) or (b) of this paragraph.

58. In the event of approval or approval with modifications by EPA, Respondents shall proceed to take any action required by the plan, report, or other item, as approved or modified by EPA.

59. Upon receipt of a notice of disapproval or a request for a modification, Respondents shall, within 21 days or such longer time as specified by EPA in its notice of disapproval or request for modification, correct the deficiencies and resubmit the plan, report, or other item for approval. Notwithstanding the notice of disapproval, or approval with modifications, Respondents shall proceed, at the direction of EPA, to take any action required by any non-deficient portion of the submission.

60. If upon the first resubmission or upon any subsequent resubmission, the plan, report or other item is disapproved by EPA, Respondents shall be deemed to be out of compliance with this



## XVI. QUALITY ASSURANCE, SAMPLING AND DATA ANALYSIS

63. Respondents shall use quality assurance, quality control, and chain of custody procedures for all sample collection and analysis activities in accordance with "EPA Requirements for Quality Assurance Project Plans (QA/R-5)" (EPA/240/B-01/003, March 2001) and "Guidance for Quality Assurance Project Plans (QA/G-5)," (EPA 600/R-98/018, February 1998), and subsequent amendments to such guidelines upon notification by EPA to Respondents of such amendments. To provide quality assurance and maintain quality control, Respondents shall:

a. Use only laboratories which have a documented quality system which complies with ANSI/ASQC E4-1994, "Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs," (American National Standard, January 5, 1995), and "EPA Requirements for Quality Management Plans (QA/R-2)," (EPA/240/B-01/002, March 2001) or equivalent documentation as determined by EPA. EPA may consider laboratories accredited under the National Environmental Laboratory Accreditation Program ("NELAP") as meeting the Quality System requirements.

b. Ensure that the laboratory used by Respondents for analyses, performs according to a method or methods deemed satisfactory to EPA and submits all protocols to be used for analyses to EPA at least 28 days before beginning analysis.

c. Ensure that EPA personnel and EPA's authorized representatives are allowed access to the laboratory and personnel utilized by Respondents for analyses.

64. Respondents shall notify EPA not less than 28 days in advance of any sample collection activity. At the request of EPA, Respondents shall allow split or duplicate samples to be taken by EPA or its authorized representatives, of any samples collected by Respondents with regard to the Site or pursuant to the implementation of this Order. In addition, EPA shall have the right to take any additional samples that EPA deems necessary.

## XVII. COMPLIANCE WITH APPLICABLE LAWS

65. All activities carried out by Respondents pursuant to this Order shall be performed in accordance with the requirements of all federal and state laws and regulations. EPA has determined that the activities contemplated by this Order are consistent with the NCP.

66. Except as provided in Section 121(e) of CERCLA and the NCP, no permit shall be required for any portion of the Work conducted entirely on-site. Where any portion of the Work requires a Federal or state permit or approval, Respondents shall submit timely applications and take all other actions necessary to obtain and to comply with all such permits or approvals. For any portion of the Work performed on-site which would, but for Section 121(e) of CERCLA, require a federal or state permit or approval, Respondents shall submit timely unsigned applications and take all other actions as would otherwise be necessary to obtain and to comply with all such permits or approvals.

1 Copy to: New Jersey Superfund Branch  
Office of Regional Counsel  
U.S. Environmental Protection Agency  
290 Broadway, 17<sup>th</sup> Floor  
New York, New York 10007-1866  
Attn: Cornell-Dubilier Electronics Site Attorney

3 Copies to: New Jersey Department of Environmental Protection  
401 East State Street  
Trenton, New Jersey 08625  
Attn: Site Manager, Cornell-Dubilier Electronics Site

70. In the event that EPA requests more than the number of copies stated above of any report or other documents required by this Order for itself or the State, Respondents shall provide the number of copies requested.

71. EPA has the non-reviewable right to change its Remedial Project Manager. If EPA changes its Remedial Project Manager, EPA will inform Respondents in writing of the name, address, and telephone number of the new Remedial Project Manager.

72. EPA's RPM shall have the authority lawfully vested in a RPM and On-Scene Coordinator ("OSC") by the National Contingency Plan, 40 C.F.R. Part 300. EPA's RPM shall have authority, consistent with the National Contingency Plan, to halt any work required by this Order, and to take any necessary response action.

73. Within 21 days after the effective date of this Order, Respondents shall designate a Project Coordinator and shall submit the name, address, and telephone number of the Project Coordinator to EPA for review and approval. Respondents' Project Coordinator shall be responsible for overseeing Respondents' implementation of this Order. If Respondents wish to change their Project Coordinator, Respondents shall provide written notice to EPA, 5 days prior to changing the Project Coordinator, of the name and qualifications of the new Project Coordinator. Respondents' selection of a Project Coordinator shall be subject to EPA approval.

#### XIX. ACCESS TO SITE NOT OWNED BY RESPONDENTS

74. If the Site, the off-Site area that is to be used for access, property where documents required to be prepared or maintained by this Order are located, or other property subject to or affected by the clean up, is owned in whole or in part by parties other than those bound by this Order, Respondents will obtain, or use their best efforts to obtain, site access agreements from the present owners within 60 days of the effective date of this Order. Such agreements shall provide access for EPA, its contractors and oversight officials, the state and its contractors, and Respondents and Respondents' authorized representatives and contractors, and such agreements

## XXI. RECORD PRESERVATION

78. Respondents shall provide to EPA, upon request, copies of all documents and information within their possession and/or control or that of their contractors or agents relating to activities at the Site or to the implementation of this Order, including but not limited to sampling, analysis, chain of custody records, manifests, trucking logs, receipts, reports, sample traffic routing, correspondence, or other documents or information related to the Work. Each Respondent shall also make available to EPA for purposes of investigation, information gathering, or testimony, its employees, agents, or representatives with knowledge of relevant facts concerning the performance of the Work.

79. Until 10 years after EPA provides notice pursuant to Paragraph 49, each Respondent shall preserve and retain all records and documents in its possession or control, including the documents in the possession or control of its contractors and agents on and after the effective date of this Order that relate in any manner to the Site. At the conclusion of this document retention period, Respondents shall notify the United States at least 90 calendar days prior to the destruction of any such records or documents, and upon request by the United States, Respondents shall deliver any such records or documents to EPA.

80. Within 90 days after the effective date of this Order, each Respondent shall submit a written certification to EPA's RPM that it has not altered, mutilated, discarded, destroyed or otherwise disposed of any records, documents or other information relating to its potential liability with regard to the Site since notification of potential liability by the United States or the State or the filing of suit against it regarding the Site. Respondents shall not dispose of any such documents without prior written approval by EPA. Respondents shall, upon EPA's request and at no cost to EPA, deliver the documents or copies of the documents to EPA.

## XXII. DELAY IN PERFORMANCE

81. Any delay in performance of this Order that, in EPA's judgment, is not properly justified by Respondents under the terms of this Section shall be considered a violation of this Order. Any delay in performance of this Order shall not affect Respondents' obligations to fully perform all obligations under the terms and conditions of this Order.

82. Respondents shall notify EPA of any delay or anticipated delay in performing any requirement of this Order. Such notification shall be made by telephone to EPA's RPM within 48 hours after Respondents first knew or should have known that a delay might occur. Respondents shall adopt all reasonable measures to avoid or minimize any such delay. Within five business days after notifying EPA by telephone, Respondents shall provide written notification fully describing the nature of the delay, any justification for delay, any reason why Respondents should not be held strictly accountable for failing to comply with any relevant requirements of this Order, the measures planned and taken to minimize the delay, and a schedule for implementing the measures that will be taken to mitigate the effect of the delay. Increased costs or expenses associated with implementation of the activities called for in this Order is not a justification for any delay in performance.

pursuant to this Order, including any claims arising from any designation of Respondents as EPA's authorized representatives under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e).

## XXV. ENFORCEMENT AND RESERVATIONS

87. EPA reserves the right to bring an action against Respondents under Section 107 of CERCLA, 42 U.S.C. § 9607, for recovery of any response costs incurred by the United States related to this Order and/or for any other response costs which have been incurred or will be incurred by the United States relating to the Site. This reservation shall include but not be limited to past costs, direct costs, indirect costs, and the costs of oversight, the costs of compiling the cost documentation to support oversight cost demand, as well as accrued interest as provided in Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

88. Notwithstanding any other provision of this Order, at any time during the response action, EPA may perform its own studies, complete the response action (or any portion of the response action) as provided in CERCLA and the NCP, and seek reimbursement from Respondents for its costs, or seek any other appropriate relief.

89. Nothing in this Order shall preclude EPA from taking any additional enforcement actions, including modification of this Order or issuance of additional Orders, and/or additional remedial or removal actions as EPA may deem necessary, or from requiring Respondents in the future to perform additional activities pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), or any other applicable law. Respondents shall be liable under CERCLA Section 107(a), 42 U.S.C. § 9607(a), for the costs of any such additional actions.

90. Notwithstanding any provision of this Order, the United States hereby retains all of its information gathering, inspection and enforcement authorities and rights under CERCLA, RCRA and any other applicable statutes or regulations.


91. Any Respondent shall be subject to civil penalties under Section 106(b) of CERCLA, 42 U.S.C. § 9606(b), in the event that such Respondent willfully violates, or fails or refuses to comply with this Order without sufficient cause. Such civil penalties shall be in an amount not greater than \$32,500 per day, subject to possible further adjustments of this penalty maximum consistent with the Debt Collection and Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321 (1996), and the regulations promulgated thereunder, including the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, and all amendments thereto. In addition, failure to properly carry out response actions under this Order, or any portion hereof, without sufficient cause, may result in liability under Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3), for punitive damages in an amount at least equal to, and not more than three times the amount of any costs incurred by EPA as a result of such failure to take proper action.

92. Nothing in this Order shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person for any liability it may have arising out of or relating in any way to the Site.

## XXIX. TERMINATION AND SATISFACTION

99. This Order will be terminated by EPA if Respondents demonstrate in writing and certify to the satisfaction of EPA that all Work and activities required under this Order, including any additional work required by EPA, have been performed fully in accordance with this Order and EPA has approved the certification in writing. Such an approval by EPA, however, shall not relieve Respondents of any remaining obligations under the Order, including those requirements set forth in Section XXI regarding record preservation. Respondents' written submission under this paragraph shall include a sworn statement by a responsible corporate official of one or more of the Respondents as referenced in the SOW.

So Ordered, this 15<sup>th</sup> day of June, 2006.

By:   
GEORGE PAVLOU

Director, Emergency and Remedial Response Division  
Region 2  
U.S. Environmental Protection Agency

**STATEMENT OF WORK**  
**Cornell-Dubilier Electronics Site**  
**South Plainfield, New Jersey**  
**Operable Unit 2**  
**Facility Buildings**

**I. WORK TO BE PERFORMED**

The objectives of the work (hereinafter "Work," as defined in Section VI of the Administrative Order (the "Order") to which this Statement of Work (SOW) is attached) to be conducted at the Cornell-Dubilier Electronics Site (Site) are to implement the building component of the remedy selected in the Environmental Protection Agency's (EPA's) September 30, 2004 Record of Decision (ROD) for Operable Unit 2 at the Site, attached as Appendix I to the Order. The Respondents shall finance and perform the Work in accordance with the Order, the ROD, and this SOW, including all terms, conditions and schedules set forth herein or developed and approved hereunder.

The major components of the building component of the Selected Remedy are:

- demolition of the 18 on-site buildings; and
- transportation of the building debris off-site for disposal, with treatment as necessary.

**II. PERFORMANCE STANDARDS**

The Remedial Action (RA), as defined in Section VI of the Order, shall be performed to achieve compliance with the Performance Standards, which shall include and be consistent with the requirements set forth at pages 22-24 of the ROD. The RA shall also be performed to achieve compliance with all legally applicable and relevant and appropriate requirements (ARARs), as set forth at pages 57-60 of the ROD.

**III. PROJECT SUPERVISION/MANAGEMENT, PROJECT COORDINATOR**

**1. SUPERVISING CONTRACTOR**

The RA and any other technical work performed by Respondents pursuant to this Order shall meet any and all requirements of applicable federal, state and local laws and be performed under the direction and supervision of a qualified licensed professional engineering firm. Within twenty-one (21) calendar days after the effective date of this Order, Respondents shall notify EPA, in writing, of the name, title, proposed responsibilities and qualifications of the Supervising Contractor. All plans and specifications shall be prepared under the supervision of, and signed/certified by, a licensed New Jersey professional engineer. Selection of the Supervising Contractor shall be subject to approval by EPA.

2. **PROJECT COORDINATOR**

Within twenty-one (21) calendar days after the effective date of this Order, Respondents shall notify EPA, in writing, of the name and title of the Project Coordinator who may be an employee of the Supervising Contractor. The Project Coordinator shall be responsible for the day to day management of all Work to be performed pursuant to this Order. The Project Coordinator shall have adequate technical and managerial experience to manage all Work described in this Statement of Work and under this Order. The Project Coordinator shall be knowledgeable at all times about all matters relating to activities regarding the RA. The Project Coordinator shall be the primary contact for EPA on all matters relating to Work at the Site and should be available for EPA to contact during all working days. The Project Coordinator shall not be an attorney.

**IV. REMEDIAL DESIGN REPORT**

The Final Remedial Design (RD) Report for the implementation of the Selected Remedy for the facility buildings will be provided to Respondents by EPA.

**V. REMEDIAL ACTION**

- A. Respondents shall notify EPA in writing of the name, title, and qualifications of any construction contractor proposed to be used in carrying out work under this Order within twenty-one (21) days after receipt of the Final RD Report. With respect to any proposed construction contractor, Respondents shall demonstrate that the proposed construction contractor has a quality system that complies with ANSI/ASQC E4-1994, "Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs (American National Standard, January 5, 1995), by submitting a copy of the proposed project manager's QMP. The QMP should be prepared in accordance with the specifications set forth in "EPA Requirements for Quality Management Plans (QA/R-2)," (EPA/240/B-01/002, March 2001) or equivalent documentation as determined by EPA. EPA shall thereafter provide written notice of the name(s) of the contractor(s) it approves, if any. Respondents may select any approved contractor from that list and shall notify EPA of the name of the contractor selected within twenty one (21) days of EPA's designation of approved contractors. If at any time Respondents propose to change the construction contractor, Respondents shall notify EPA and shall obtain approval from EPA as provided in this paragraph, before the new construction contractor performs any work under this Order. If EPA disapproves of the selection of any contractor as the construction contractor, Respondents shall submit a list of contractors that would be acceptable to them to EPA within thirty (30) days after receipt of EPA's disapproval of the contractor previously selected.

- B. Within sixty (60) days after EPA approves the designation of the construction contractor, Respondents shall submit a RA Work Plan (RAWP) for remedial construction activities. Each RAWP shall include, at a minimum, the following items:
1. If applicable, a "Request for Modification of Approved Final RD Report," including any requests for modification of the approved Final RD Report, based on construction methods identified by the contractor(s), or proposed modification of the construction schedule developed under Section IV., above, or any other requests for modification, subject to EPA approval in its sole discretion.
  2. A Site Management Plan (SMP) for RA activities. The SMP for RA shall include, at a minimum, the following items:
    - a. Tentative identification of the RA Project Team (including, but not limited to the Construction Contractor).
    - b. A final schedule for the completion of the RA and all major tasks therein, as well as a schedule for completion of required plans, and other deliverables.
    - c. Methodology for implementation of the Construction Quality Assurance Project Plan.
    - d. Procedures and plans for the decontamination of construction equipment and the disposal of contaminated materials.
    - e. Methods for satisfying any permitting requirements.
    - f. Discussion of the methods by which construction operations shall proceed. Discussion shall include the following:
      - i. Timing of and manner in which activities shall be sequenced;
      - ii. Preparation of the Site including security, utilities, decontamination facilities, construction trailers, and equipment storage;
      - iii. Coordination of construction activities;
      - iv. Site maintenance during the RA;
      - v. Coordination with local authorities regarding contingency planning



and potential traffic obstruction; and

- vi. Entry and access to the Site during the construction period(s) and periods of inactivity, including provisions for decontamination, erosion control, and dust control.
- vii. Identification of all off-site facilities to which Site material will be sent, and description, for each facility, of the proposed materials for disposal and method of management of those materials.
- viii. Implementation of the photograph/slide plan to record the progress of the remedial construction work.

g. Discussion of construction quality control, including:

- i. Methods of performing the quality control inspections, including when inspections should be made and what to look for;
- ii. Control testing procedures for each specific test. This includes information which authenticates that personnel and laboratories performing the tests are qualified and the equipment and procedures to be used comply with applicable standards;
- iii. Procedures for scheduling and managing submittals, including those of subcontractors, off-Site fabricators, suppliers, and purchasing agents; and
- iv. Reporting procedures including frequency of reports and report formats.

h. Procedures to be used to determine whether performance standards are being achieved, and reporting procedures and frequency for results of such testing.

3. A Quality Assurance/Quality Control Project Plan (QAPP) for the RA shall be prepared consistent with "EPA Requirements for Quality Assurance Project Plans (QA/R-5)" (EPA/240/B-01/003, March 2001) and OSWER Directive 9272.0-17, Uniform Federal Policy for Quality Assurance Project Plans, and shall include the following elements:

- a. A detailed description of the sampling, analysis, and monitoring that shall be performed during the RA, consistent with this SOW, the ROD, and the Order.

- b. All sampling, analysis, data assessment, and monitoring shall be performed in accordance with the *Region II CERCLA Quality Assurance Manual*, Revision 1, EPA Region 2, dated October 1989, and any updates thereto and the guidelines set forth in the Order. All testing methods and procedures shall be fully documented and referenced to established methods or standards.
- c. The QAPP shall also specifically include the following items:
  - i. An explanation of the way(s) the sampling, analysis, and monitoring will produce data for the RA;
  - ii. A detailed description of the sampling, analysis, and testing to be performed, including sampling methods, analytical and testing methods, sampling locations and frequency of sampling;
  - iii. A map depicting sampling locations; and
  - iv. A schedule for performance of specific tasks.
- d. In the event that additional sampling locations and analyses are utilized or required, Respondents shall submit to EPA an addendum to the QAPP for approval by EPA.
- e. The QAPP shall address the following elements:

#### **Project Management**

Title and Approval Sheet  
Table of Contents and Document Control Format  
Distribution List  
Project/Task Organization and Schedule  
Problem Definition/Background  
Project/Task Description  
Quality Objectives and Criteria for Measurement Data  
Special Training Requirements/Certification  
Documentation and Records

#### **Measurement/Data Acquisition**

Sampling Process Design  
Sampling Methods Requirements  
Sample Handling and Custody Requirements

Analytical Methods Requirements  
Quality Control Requirements  
Instrument/Equipment Testing, Inspection, and Maintenance  
Requirements  
Instrument Calibration and Frequency  
Inspection/Acceptance Requirements for Supplies and Consumables  
Data Acquisition Requirements (Non-Direct Measurements)  
Data Management

#### **Assessment/Oversight**

Assessments and Response Actions  
Reports to Management

#### **Data Validation and Usability**

Data Review, Validation, and Verification Requirements  
Validation and Verification Methods  
Reconciliation with Data Quality Objectives

- f. In order to provide quality assurance and maintain quality control with respect to all samples to be collected, Respondents shall ensure the following:
  - i. Quality assurance and chain-of-custody procedures shall be performed in accordance with standard EPA protocol and guidance, including the *Region II CERCLA Quality Assurance Manual, Revision 1*, EPA Region 2, dated October 1989, and any updates thereto, and the guidelines set forth in this Order.
  - ii. The laboratory to be used must be specified. If the laboratory participates in the Contract Laboratory Program (CLP), or if the laboratory takes quarterly Performance Evaluations (PE) for the analyses to be performed for this investigation, then project specific PE samples will not be required. If the proposed laboratory does not participate in the CLP, and/or does not analyze PE samples quarterly for the analyses required, then PE samples must be analyzed to demonstrate the capability to conduct the required analysis prior to being approved for use. If Respondents select a non-CLP laboratory, the laboratory shall submit a copy of its Laboratory Quality Assurance Program Plan to EPA for review and approval.

For any analytical work performed at a non-CLP laboratory,

including that done in a fixed laboratory, in a mobile laboratory, or in on-site screening analyses, Respondents must submit to EPA a "Non-CLP Superfund Analytical Services Tracking System" form for each laboratory utilized during a sampling event, within thirty (30) days after acceptance of the analytical results. Upon completion, such documents shall be submitted to the EPA Project Coordinator, with a copy of the form and transmittal letter to:

Regional Sample Control Center Coordinator  
EPA Region 2  
Division of Environmental Science & Assessment  
2890 Woodbridge Avenue, Bldg. 209, MS-215  
Edison, NJ 08837

- iii. The laboratory utilized for analyses of samples must perform all analyses according to accepted EPA methods as documented in the *Contract Lab Program Statement of Work for Organic Analysis*, (OLM04.2) or the latest revision, and the *Contract Lab Program Statement of Work for Inorganic Analysis*, (ILM04.0) or the latest revision, or other EPA approved methods.
- iv. Unless indicated otherwise in the approved QAPP, all data will be validated upon receipt from the laboratory.
- v. Unless indicated otherwise in the approved QAPP, Respondents shall submit the validation package (checklist, report, and Form I containing the final data) to EPA, prepared in accordance with the provisions of Subparagraph g., below.
- vi. Respondents shall assure that all analytical data that are validated as required by the QAPP are validated according to the procedures stated in the *EPA Region II Contract Lab Program Organics Data Review and Preliminary Review* (SOP #HW-6, Revision 11), dated June 1996, or the latest revision, and the *Evaluation of Metals Data for the Contract Laboratory Program* (SOP #HW-2, Revision 11), dated January 1992 or the latest revision, or EPA-approved equivalent procedures. Region 2 Standard Operating Procedures are available at: <http://www.epa.gov/region02/smb/sops.htm>
- vii. Unless indicated otherwise in the approved QAPP, Respondents shall require deliverables equivalent to CLP data packages from the laboratory for analytical data. Upon EPA's request, Respondents shall submit to EPA the full documentation (including raw data) for

this analytical data. EPA reserves the right to perform an independent data validation, data validation check, or qualification check on generated data.

- viii. Respondents shall insert a provision in its contract(s) with the laboratory utilized for analyses of samples, which will require granting access to EPA personnel and authorized representatives of EPA for the purpose of ensuring the accuracy of laboratory results related to the Site.
4. A Health, Safety and Contingency Plan (HSCP) for all activities performed under the Order shall be developed by Respondents to address the protection of public health and safety and the response to contingencies that could impact public health, safety, and the environment. The HSCP shall address health and safety measures to be implemented and observed by construction personnel, as well as recommended health and safety measures for the adjacent community and general public. The HSCP shall include the name of the person responsible in the event of an emergency situation, as well as the necessary procedures that must be taken in the event of an emergency, as outlined in the Order. The HSCP shall satisfy the requirements of the *Occupational Safety and Health Guidance for Hazardous Waste Site Activities*, (June 1990, DHHS NIOSH Publication No. 90-117), and the Occupational Safety and Health Administration, U.S. Department of Labor (OSHA) requirements cited below:
- a. All site activities shall be performed in such a manner as to ensure the safety and health of personnel so engaged. All Site activities shall be conducted in accordance with all pertinent general industry (29 CFR Part 1910) and construction (29 CFR Part 1926) OSHA standards, and EPA's *Standards Operating Safety Guides* (OSWER, 1988), as well as any other substantive, applicable State and municipal codes or ordinances. All Site activities shall comply with those requirements set forth in OSHA's final rule entitled *Hazardous Waste Operations and Emergency Response*, 29 CFR §1910.120, Subpart H.
  - b. The HSCP shall include, at a minimum, the following elements:
    - i. Plans showing the location and layout of any temporary facilities to be constructed on or near the Site;
    - ii. Description of the known hazards and evaluation of the risks associated with the Site and the potential health impacts related to the Site activities;

- iii. List of key personnel and alternates responsible for Site safety, response operations, and protection of the public;
- iv. Description of levels of protection (based on specified standards) to be utilized by all personnel;
- v. Delineation of Work, decontamination, and safe zones, and definitions of the movement of zones;
- vi. Description of decontamination procedures for personnel and equipment, and handling and removal of disposable clothing or equipment;
- vii. Incidental emergency procedures which address emergency care for personnel injuries and exposure problems, and containment measures. These procedures shall include evacuation routes, internal and external communications procedures for response to fire, explosion, or other emergencies, the name of the nearest hospital and the route to that hospital. Local agencies with the capability to respond to emergencies shall be identified and their capabilities shall be described.
- viii. Description of the personnel medical surveillance program in effect;
- ix. Description of monitoring for personnel safety;
- x. Description of routine and special personnel training programs; and
- xi. Description of an air monitoring program to determine concentrations of airborne contaminants to which workers on-site and persons near the Site boundary may be exposed. The results of work-zone air monitoring may be used as a trigger for implementing Site-boundary air monitoring, additional control measures, and/or cessation of work.

## 5. Access and Other Approvals

The RAWP shall include descriptions of any approvals which Respondents will need to comply with the Order, with the exception of those approvals needed from EPA. This description shall detail how such approvals will be sought, and shall include a schedule for obtaining all necessary approvals. Such approvals shall include the consent of owners of property at or near the Site regarding access to conduct sampling, monitoring, remediation,

restoration or other activities, in accordance with the Order, and approval from any off-site facility accepting waste materials from the Site. This description shall be amended if subsequent approvals are required.

C. Approval of Remedial Action Work Plan

EPA will either approve the RAWP or require modification of it in accordance with the procedures set forth in Section XIV of the Order.

D. Performance of Remedial Action

1. Upon EPA's written approval of the RAWP for a given element of the Work, Respondents shall initiate and perform the RA in accordance with the RAWP and the Final RD Report, which includes the approved RA schedule.
2. During performance of the RA, Respondents may identify and request EPA approval for field changes to the approved RAWP, Final RD Report and construction schedule, as necessary, to complete the work. EPA will either approve, disapprove, or require modification of any requests for field changes in accordance with the procedures set forth in Section XIV of the Order.

VI. **PRE-FINAL AND FINAL INSPECTIONS, REMEDIAL ACTION REPORT, NOTICE OF CONSTRUCTION COMPLETION**

- A. At least fourteen (14) days prior to the completion of the RA, Respondents shall notify EPA and Respondents and their contractor(s) shall be available to accompany EPA personnel and/or their representatives on a pre-final inspection. The pre-final inspection shall consist of a walk-through of the project to determine the completeness of the construction, its consistency with the Final RD Report, the ROD, the SOW, and the Order, and applicable federal and state laws, rules, and regulations.
- B. Following the pre-final inspection, EPA will either specify the necessary corrective measures to the construction phase of the RA, or determine that construction is complete. If EPA requires corrective measures, Respondents shall undertake the corrective measures according to a schedule approved by EPA. Within fourteen (14) days after completion of the construction of the corrective measures, Respondents and their contractor(s) shall be available to accompany EPA personnel or their representatives on an inspection as provided for in the preceding paragraph. Said inspection will be followed by further directions and/or notifications by EPA as provided above in this paragraph.

- C. Within thirty (30) days of the date that Respondents conclude that they have met the Performance Standards as specified in the ROD and this SOW, Respondents shall schedule and conduct a final inspection to be attended by Respondents, EPA, NJDEP, and/or their respective representatives. The final inspection will consist of a walk-through of the project to determine the completeness of the RA and its consistency with the ROD, this SOW, and the Order. EPA may direct Respondents to correct any deficiencies identified during the inspection. Respondents shall implement the tasks necessary to correct any deficiencies in accordance with the specifications and schedules established by EPA.
- D. Within fourteen (14) days of completion of the tasks, Respondents shall be available to accompany EPA and NJDEP personnel and/or their respective representatives on a follow-up inspection. Within one hundred and twenty (120) days of EPA's determination that construction is complete as set forth in Subsection B., above, Respondents shall submit a Draft RA Report, as set forth in Subsection E., below.
- E. The Draft RA Report shall include the following sections:
1. Introduction
    - a. Include a brief description of the location, size, environmental setting, and operational history of the Site.
    - b. Describe the operations and waste management practices that contributed to contamination of the Site.
    - c. Describe the regulatory and enforcement history of the Site.
    - d. Describe the major findings and results of site investigation activities.
    - e. Describe prior removal and remedial activities at the Site.
  2. Background
    - a. Summarize requirements specified in the ROD. Include information on the cleanup goals, institutional controls, monitoring requirements, operation and maintenance requirements, and other parameters applicable to the design, construction, operation, and performance of the RA.
    - b. Provide additional information regarding the basis for determining the cleanup goals, including planned future land use.



- c. Identify and briefly discuss any ROD amendments, explanation of significant differences, or technical impracticability waivers.

3. Construction Activities

- a. Provide a step-by-step summary description of the activities undertaken to construct and implement the RA (*e.g.*, mobilization and Site preparatory work; operation of the treatment/stabilization technology; associated site work, such as fencing and water collection and control; and sampling activities).
- b. Refer the reader to the Appendices for characteristics, Site conditions, and operating parameters for the system.

4. Chronology of Events

- a. Provide a tabular summary that lists the major events for the RA and associated dates of those events, starting with ROD signature.
- b. Include significant milestones and dates, such as, mobilization and construction for the remedy; significant operational events such as treatment system, application start-up, monitoring and sampling events, system modifications, operational down time, variances or noncompliance situations, and final shutdown or cessation of operations; final sampling and confirmation-of-performance results; required inspections; demobilization; and startup of post-construction operation & maintenance activities.

5. Performance Standards and Construction Quality Control

- a. Describe the overall performance of the technology in terms of comparison to Performance Standards.
- b. For treatment remedies, identify the quantity of material treated, the strategy used for collecting and analyzing samples, and the overall results from the sampling and analysis effort.
- c. Provide an explanation of the approved construction quality assurance and construction quality control requirements or cite the appropriate reference for this material. Explain any substantial problems or deviations.
- d. Provide an assessment of the performance data quality, including the overall quality of the analytical data, with a brief discussion of QA/QC

procedures followed, use of a QAPP, comparison of analytical data with data quality objectives.

6. Final Inspection and Certifications

- a. Report the results of the various RA contract inspections, and identify noted deficiencies.
- b. Briefly describe adherence to health and safety requirements while implementing the RA. Explain any substantial problems or deviations.
- c. Summarize details of the institutional controls (*e.g.*, the type of institutional control, who will maintain the control, who will enforce the control).
- d. Describe results of pre-certification inspection.
- e. This section shall include a certification statement, signed by a responsible corporate official of one or more of the Respondents or by the Respondents' Project Coordinator, which states the following:

"To the best of my knowledge, after thorough investigation, I certify that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. Summary of Project Costs

- a. Provide the actual final costs for the project. If actual costs are not available, provide estimated costs.
- b. Provide the costs previously estimated in the ROD for the selected remedy, including, as applicable, RA capital costs, RA operating costs, and number of years of operation. Adjust the estimates to the same dollar basis year as the actual project costs, and provide the index used.
- c. Compare actual RA costs to the adjusted ROD estimates. If outside range of -30 to +50 percent, explain the reasons for differences.
- d. For treatment remedies, calculate unit costs based on the sum of the actual RA capital and RA operating costs divided by the quantity of material treated.

e. Refer the reader to the Appendix for a detailed breakdown of costs.

8. Observations and Lessons Learned

Provide site-specific observations and lessons learned from the project, highlighting successes and problems encountered and how they were resolved.

9. Contact Information

Provide contact information (names, addresses, phone numbers, and contract/reference data) for the major design and remediation contractors, as applicable.

10. Appendices: Cost and Performance Summary

- a. The specific parameters for documenting cost and performance information are presented in the *Guide to Documenting and Managing Cost and Performance Information for Remediation Projects*, EPA 542-B-98-007.
- b. Identify the matrix characteristics and site conditions that most affected the cost and performance, the corresponding values measured for each characteristic or condition, and the procedures used for measuring those characteristics or conditions.
- c. Identify the operating parameters specified by the remediation contractor that most affected the cost and performance, the corresponding values measured for each parameter, and the procedures used for measuring those parameters.
- d. Provide a detailed breakout of the actual RA capital costs.
- e. Provide supplemental information in appendices to the RA Report. These could include a map of the site and operable unit, supplemental performance information, and a list of references.

- F. EPA will either approve the Draft RA Report, thus making it the Final RA Report, require modifications, and/or require corrective measures to fully and properly implement the RA, in accordance with Subsection VI.B. or C., above.

## **VII. PROGRESS REPORTS**

- A. Respondents shall submit to EPA written monthly progress reports by the tenth day of every month following the effective date of the Order until the RA Report has been approved by EPA.
- B. As requested by EPA, Respondents shall provide weekly field reports in addition to monthly progress reports at any time during the RA of the selected remedy.